

note



**State of New Hampshire
DEPARTMENT OF ENVIRONMENTAL SERVICES**

6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095
(603) 271-3503 FAX (603) 271-2982

March 8, 2001 Version
Due back 3/20/01



Town of Greenville
Town Office
P.O. Box 343
Greenville, NH 03048

Re: Greenville Wastewater Facility

**ADMINISTRATIVE ORDER
by CONSENT
No. WD 01-04**

A. INTRODUCTION

This Administrative Order by Consent is issued by the Department of Environmental Services, Water Division to, and with the consent of, the Town of Greenville, pursuant to RSA 485-A:22. This Administrative Order by Consent is effective upon signature by both parties.

B. PARTIES

1. The Department of Environmental Services, Water Division ("DES"), is a duly constituted administrative agency of the State of New Hampshire, with principal offices at 6 Hazen Drive, Concord, NH 03301.
2. The Town of Greenville ("Greenville") is a duly-constituted municipality of the State of New Hampshire having a mailing address of P.O. Box 343, 42 Main Street, Greenville, NH 03048.

C. STATEMENTS OF FACTS AND LAW

1. Pursuant to RSA 485-A:13 and related sections, DES regulates the discharge of pollutants to surface waters under a permit system. As part of this program, the DES Commissioner has adopted Env-Ws 401 – 405 relating to permits and has adopted Env-Ws 1700 to establish water quality standards for the state's waters.
2. Greenville owns and operates a wastewater treatment facility located at 109 Old Wilton Road, Greenville, NH (hereinafter "the Facility").
3. The discharge from the Facility to the Souhegan River ("the Discharge") is permitted under the terms of federal National Pollutant Discharge Elimination System ("NPDES") Permit number NH0100919 issued by the United States Environmental Protection Agency ("USEPA") to the Facility on January 13, 1987. This NPDES Permit also constitutes a State discharge permit under RSA 485-A:13, I (a) and New Hampshire Administrative Rules Env-Ws 401 - 405. The federal and state permits are collectively referred to hereinafter as the "NPDES Permit".
3. The NPDES Permit authorizes the discharge of treated wastewater to the Souhegan River through Outfall 001, subject to effluent limitations, monitoring requirements, and other specific conditions.
4. The Souhegan River is classified, pursuant to RSA 485-A:8,II.

5. Pursuant to RSA 485-A:8, II, there shall be no disposal of waste into Class B waters except those which have received adequate treatment to prevent objectionable physical characteristics. Disposal of waste shall not be harmful to aquatic life or to the maintenance of aquatic life in said receiving waters. Further, Class B waters shall be acceptable for swimming, fishing and other recreational purposes.
6. NPDES Permit Part I.A.1, Effluent Limitations, limits the discharge of both total suspended solids ("TSS") and biochemical oxygen demand ("BOD") on a concentration basis (milligrams per liter – mg/l) to:
 - a. 30 mg/l for a monthly average,
 - b. 45 mg/l for a weekly average, and
 - c. 50 mg/l for a daily maximum.
7. Pursuant to RSA 485-A:13, Class B waters are required to have no objectionable physical characteristics and an *Escherichia coli* ("*E. coli*") daily count not greater than 406 counts/100 ml.
8. The NPDES Permit requires that total coliform results not exceed 240 counts per 100 millimeters.
9. Pursuant to Env-Ws 1703.11, Class B waters shall not exceed naturally occurring turbidity conditions by more than 10 NTUs.
10. RSA 485-A:12, I, authorizes DES to enforce classification of state waters and prohibits the discharge of wastewater in a manner that will lower the quality of the receiving water below certain standards.
11. RSA 485-A:12, II, requires the person or persons responsible for the discharge of pollutants which lowers the quality of waters below its classification to abate such pollution within a time frame set by DES.
12. On April 27, 1999, DES personnel collected samples of the discharge from the Facility. Sample analyses detected the following:
 - a. BOD: 305 mg/l,
 - b. TSS: 309 mg/l,
 - c. Total Coliform: >200,000 counts/100 ml, and
 - d. *E. coli*: 40,000 counts/100 ml
15. On April 28, 1999, DES personnel took samples of the discharge from the Facility. Sample analyses detected the following:
 - a. TSS: 62 mg/l,
 - b. Total Coliform: 121,000 counts/100 ml, and
 - c. *E. coli*: 1,100 counts/100 ml
16. DES conducted instream sampling from June 30, 1999 through April 11, 2000. The instream sampling showed at least 110 separate occurrences of turbidity exceeding background levels by more than 35 NTUs.

17. Records obtained by DES from the Facility show that the Facility was operated in such a way as to cause, and did in fact cause, violations of the Permit from at least 1995 to present. That is, the violations documented by DES from 1999-2000 are representative of violations that have been occurring since at least 1995.

18. Records obtained by DES from the Facility show that the Facility reported falsified data or no data during periods of non-compliance from at least 1995 to 2000. That is, the falsified data or no data periods documented by DES from 1999 – 2000 are representative of falsified data or no data periods occurring since at least 1995.

D. DETERMINATION OF VIOLATIONS

1. Greenville violated NPDES Permit Part I.A.1 from at least April 1999 to November 2000 by discharging TSS in concentrations greater than the permit allows. Attachment 1 more specifically identifies these violations.

2. Greenville violated NPDES Permit Part I.A.1 from at least April 1999 to June 2000 by discharging BOD concentrations greater than the permit allows. Attachment 2 more specifically identifies these violations.

3. Greenville violated NPDES Permit Part I.A.1 from at least April 1999 to October 2000 by discharging coliform counts greater than the permit allows. Attachment 3 more specifically identifies these violations.

4. Greenville violated Env-Ws 1703.11 by discharging wastewater which caused the receiving Class B water to violate the turbidity water quality standard.

5. Greenville violated RSA 485-A:8, II by discharging wastewater which caused the receiving Class B water to violate the *E. coli* water quality standard.

E. ORDER

Based on the above findings and determinations, DES hereby orders Greenville, and Greenville agrees to undertake and complete the following in accordance with the time schedules specified

1. By **January 31, 2001**, complete the pretreatment program development and issue and implement the pretreatment/industrial user permit to Pilgrim Foods. DES understands that Greenville issued the Industrial Discharge Permit to Pilgrim Foods with an effective date of January 31, 2001 for a one-year permit term.

2. By **February 16, 2001**, complete and submit to DES for review and approval the design plans for the RAS/WAS pumps and piping improvements, disinfection system improvements and laboratory improvements as described in the July 2000 Underwood Wastewater Treatment Plant Evaluation, Interim Report ("Underwood Report").

3. By **March 1, 2001**, install dissolved oxygen probes in the aeration tanks as described in the Underwood Report.
4. By **March 31, 2001**, complete and submit to DES for review and approval the design plans and protocol for the pilot studies including an anoxic zone, Stamford-type baffles and chemical additions.
5. By **April 1, 2001**, complete the installation and construction of disinfection system and laboratory improvements.
6. By **April 27, 2001**, complete and submit to DES for review and approval the design plans for the preliminary treatment improvements including step screen and grit screw replacements as described in the Underwood Report.
7. By **August 10, 2001**, complete the installation and construction of the RAS/WAS pumps and piping improvements.
8. By **June 15, 2001**, complete the installation and implementation of the pilot studies.
9. By **October 12, 2001**, complete the installation and construction of the preliminary treatment improvements.
10. By **October 31, 2001**, complete and submit to DES for review and approval, a report summarizing pilot study results and recommendations. The report shall include design and installation details for full scale implementation and/or recommended modifications based on the pilot study results. The report shall also include an implementation schedule for the recommended improvements. Greenville must implement all the recommendations that are necessary to maintain compliance with the current permit. As described in the Underwood Report, additional upgrades will likely be required to comply with the new NPDES permit when this permit is issued. Greenville must take appropriate steps to arrange for funding for the upgrades needed to comply with the new permit.
11. Send all correspondence and all data, reports and other submissions required by this Order to:

Ms. Sharon L. Ducharme P.E.
DES-WD/WWEB
P.O. Box 95
Concord, NH 03302-0095

copy to Ms. Joy Hilton
USEPA Region 1/Water Technical Unit
1 Congress St., Suite 1100
Boston, MA 02114-2023

F. PENALTIES

1. In accordance with Env-C 603.08 (a), for failing to comply with the requirements of an administrative order issued pursuant to RSA 485-A:22, Greenville agrees to pay a stipulated penalty of \$2,000 per calendar month or portion thereof that compliance is not achieved after the deadline specified in the Order for each provision of the Order not complied with.

2. If non-compliance with a provision of this Order results in violations of Greenville's NPDES permit or of the Env-Ws 1700 Surface Water Quality Regulations, Greenville agrees to pay a stipulated penalty of \$1,000 per calendar month or portion thereof that a condition or requirement is not met for each condition or requirement not met in accordance with Env-C 603.05(e).
3. Based on the current financial data submitted by Greenville, DES agrees to suspend penalties for violations occurring between January 1999 and April 2000 contingent upon Greenville complying with this Order. If Greenville does not comply with the deadlines in this Order, Greenville agrees to pay \$100,000 in stipulated penalties for violations occurring between January 1999 through April 2000.
4. DES agrees to waive penalties for documented violations prior to January 1999 and from May 2000 to January 2001 contingent upon Greenville upgrading the wastewater treatment plant to achieve compliance with the current permit and, as needed, to achieve long term compliance with the new permit to be issued as proposed in the Underwood Report. DES reserves the right to seek penalties for all such violations if Greenville does not meet these conditions.

If stipulated penalties become due, payment shall be by certified check made payable to "Treasurer, State of New Hampshire" and mailed to DES Legal Unit, 6 Hazen Drive, P.O. Box 95, Concord, NH 03302-0095, attn: Jim Ballentine, Paralegal, within 15 days of receipt of notice from DES that payment is required.

G. CONSENT AND WAIVER OF APPEAL

1. By execution of this Administrative Order by Consent, Greenville agrees that this Order shall apply to and be binding upon Greenville, its officers, and agrees that this Order may be entered and enforced as to both compliance and stipulated penalties by a court of competent jurisdiction.
2. By execution of this Administrative Order by Consent, Greenville waives any right to appeal this Administrative Order by Consent provided by statute, rule or common law, including without limitation the right to appeal the Water Council, and waives any right to object to the entry and enforcement of this order by a court of competent jurisdiction.

TOWN OF GREENVILLE

COPY

By: John Singelais
Chairman, Board of Selectmen
Duly Authorized

4/11/01
Date

NH DEPARTMENT OF ENVIRONMENTAL SERVICES

COPY

Harry T. Stewart
Harry T. Stewart, Director
Water Division

4/17/01
Date

COPY

Robert W. Varney
Robert W. Varney, Commissioner

4-17-01
Date

cc: Keith Pratt, Underwood Engineers
William Douglas, Woodard and Curran
Board of Selectman, Greenville
Mike Walls, NHDOJ/AGO
Gretchen Rule, NHDES Enforcement Coordinator
Joy Hilton, USEPA
Sharon Ducharme, P.E., NHDES WWEB
John R. Bush, P.E., Administrator, NHDES WWEB

CERTIFIED MAIL/RETURN RECEIPT REQUESTED No. 7099 3400 0002 9772 6683

Attachment 1
TSS Permit Exceedance Summary – Concentration Limit

[illegible]

Attachment 2
BOD Permit Exceedance Summary – Concentration Limit

Year	TSS Daily Maximum Violation(s) and Result(s)		TSS Weekly Average Violation(s) and Result(s)		TSS Monthly Average Violation(s) and Result(s)	
Permit Limits	50 mg/l		45 mg/l		30 mg/l	
	BOD mg/l	Sample Date	BOD mg/l	Sample Date	BOD mg/l	Sample Date
1999	58.6 57.1	July 29 July 30	58	July 31	51.3	July
2000	53 56 61.2	April 5 May 30 June 1				

Attachment 3
Total Coliform Permit Exceedance Summary – Counts/100ml

Year	Total Coliform Daily Maximum Violation(s) and Result(s)		Total Coliform Weekly Average Violation(s) and Result(s)		Total Coliform Monthly Average Violation(s) and Result(s)	
Permit Limits	240 counts/100 ml		240 counts/100 ml		240 counts/100 ml	
	Total Coliform c/100 ml	Sample Date	Total Coliform c/100 ml	Sample Date	Total Coliform c/100 ml	Sample Date
1999	320	July 29	320 263	July 31 October 9	320	July
	305	September 3				
	858	September 17				
	620	September 20				
	245	October 4				
	362	October 5				
	425	October 6				
	420	October 8				
	450	October 11				
	513	October 14				
	627	October 25				
	420	November 9				
	2700	November 23				
2000	240	February 3	316 357	June 17 September 30		
	241+	March 11				
	907	March 12				
	315	March 22				
	1400	March 23				
	480	March 24				
	TNTC	April 13				
	TNTC	April 21				
	507	April 22				
	79000	May 3				
	348	May 24				
	280	May 30				
	920	June 1				
	2000	June 2				
	TNTC	June 10				
	600	June 11				
	287	June 13				
	510	June 15				
	400	June 16				
	288	June 27				
	TNTC	June 28				
	TNTC	June 29				
	820	July 5				
	15800	July 18				
	246	July 29				
	426	September 21				
	500	September 25				
	330	September 27				
	275	September 28				
	300	October 16				